

Memorandum



Date: January 20, 2005

To: Diane O'Quinn-Williams, Director
Department of Planning and Zoning

From: Jose Gonzalez, P.E., Acting Assistant Director
Environmental Resources Management

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name.

Subject: C-10 #Z2004000389
Frank & Georgette Breivogel
SW 9th Street & SW 68th Avenue
DBC from RU-3B to IU-1
(RU-3B) (2.86 Ac.)
11-54-40

DERM has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida. Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

Potable Water Supply and Wastewater Disposal:

Public water and public sanitary sewers can be made available to this property. Therefore, DERM will require connection to the public water supply and public sanitary sewer systems.

Existing public water and sewer facilities and services meet the Level of Service (LOS) standards set forth in the Comprehensive Development Master Plan (CDMP). Furthermore, the proposed development order, if approved, will not result in a reduction in the LOS standards subject to compliance with the conditions required by DERM for this proposed development order.

Notwithstanding the foregoing, in light of the fact that the County's sanitary sewer system has limited sewer collection, transmission, and treatment capacity, no new sewer service connections can be permitted, unless there is adequate capacity to handle the additional flows that this project would generate. Consequently, final development orders for this site may not be granted if adequate capacity in the system is not available at the point in time when the project will be contributing sewage to the system. Lack of adequate capacity in the system may require the approval of alternative means of sewage disposal. Use of an alternative means of sewage disposal may only be granted in accordance with Code requirements, and shall be an interim measure, with connection to the public sanitary sewer system required upon availability of adequate collection/transmission and treatment capacity.

Stormwater Management:

This project qualifies for a Surface Water Management General Permit, which shall be obtained from DERM prior to site development, final plat, or prior to obtaining Public Works Department approval of paving & drainage plans.

A drainage system must be designed for on-site flood protection from the 5-year/1-day storm and sufficient on-site storage to prevent off-site discharge from the 25 year/3-day storm.

Site grading and development shall comply with the requirements of Chapter 11C of the Code of Miami-Dade County.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service standards for flood protection set forth in the Comprehensive Development Master Plan subject to compliance with the conditions required by DERM for this proposed development order.

Hazardous Materials Management:

Due to the nature of uses allowed in the requested zoning classification, the applicant may be required to obtain DERM approval for management practices to control the potential discharge and spillage of pollutants associated with some land uses permitted in the proposed zoning district. The applicant is advised to contact the DERM Industrial Facilities Section concerning required management practices.

Operating Permits:

Section 24-35.1 of the Code authorizes DERM to require operating permits from facilities that could be a source of pollution. The applicant should be advised that due to the nature of some land uses permitted under the proposed zoning classification, operating permits from DERM might be required. It is therefore suggested that the applicant contact DERM concerning operating requirements.

Fuel Storage Facilities:

Section 24-12.2 of the Code outlines regulations for any proposed or existing underground storage facilities. The regulations provide design, permitting, installation, modification, repair, replacement and continuing operation requirements and criteria. In addition, monitoring devices, inventory control practices and pressure testing of fuel storage tanks is required. The Storage Tank Section of DERM should be contacted for permitting requirements in this regard, if any fuel storage facility is requested.

Hazardous Waste:

The subject site is located in close proximity to several contaminated sites; accordingly, the development of this property will require conditional approval from DERM. Said conditional approval will provide that the developer shall cease construction activities and immediately notify DERM upon encountering any contaminated areas.

Tree Preservation:

The subject contains two specimen-sized live oak and two strangler fig (trunk diameter \geq 18 inches) trees. Section 24-49 of the Code requires the preservation of tree resources. Consequently, DERM will require the preservation of all the specimen-sized (trunk diameter \geq 18 inches) trees, as defined in the Code, on the site. According to the site plan submitted with this zoning application, tree resources will not be impacted. DERM has no objection to this zoning application provided that no specimen-sized trees (trunk diameter greater than or equal to 18 inches) are removed or relocated, in which case a Miami-Dade County Tree Removal Permit is required.

Wetlands:

The subject site is not located in jurisdictional wetlands as defined in Chapter 24-5 and 24-48 of the Code; therefore, a Class IV Permit for work in wetlands will not be required by DERM.

Notwithstanding the above, permits from the Army Corps of Engineers (USACOE), the State of Florida Department of Environmental Protection (FDEP) and the South Florida Water Management District (SFWMD) may be required for the proposed project. The applicant is advised to contact these agencies concerning their permit procedures and requirements.

Enforcement History:

DERM has reviewed the Permits and Enforcement database and the Enforcement Case Tracking system and has found an open enforcement record for the subject property.

The record for folio no. 30-4011-008-0160 indicated the following:

4/26/04 DERM issued Notice of Violation (NOV) for required secondary treatment of wastewater generated from on-site trailer park, pursuant to the provisions of Florida Administrative Code (FAC) 62-600.420.

10/19/04 DERM granted time extension to comply with NOV until 3/2/2005.

Concurrency Review Summary:

The Department has conducted a concurrency review for this application and has determined that the same meets all applicable Levels of Service standards for an initial development order, as specified in the adopted Comprehensive Development Master Plan for potable water supply, wastewater disposal and flood protection. Therefore, the application has been approved for concurrency subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

In summary, the application meets the minimum requirements of Chapter 24 of the Code and therefore, it may be scheduled for public hearing; furthermore, this memorandum shall constitute DERM's written approval to that effect as required by the Code.

cc: Lynne Talleda, Zoning Evaluation- P&Z
 Ron Connally, Zoning Hearings- P&Z
 Franklin Gutierrez, Zoning Agenda Coordinator-P&Z